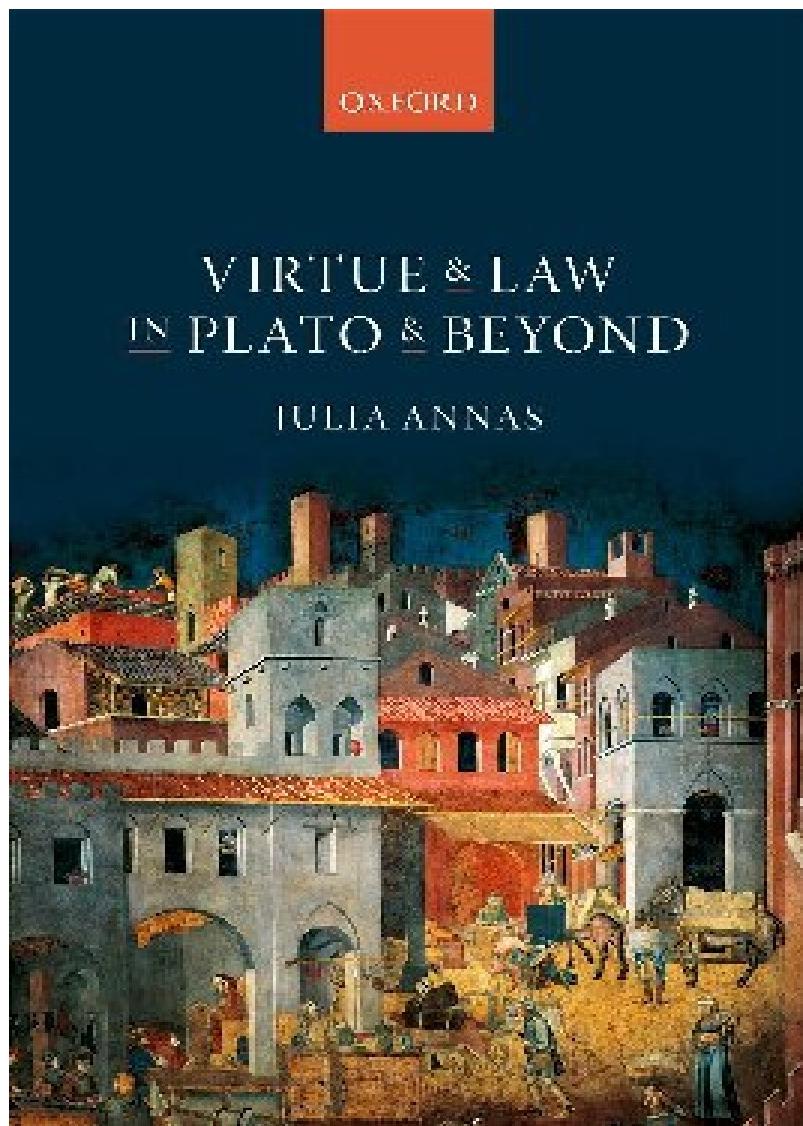


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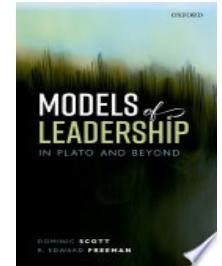


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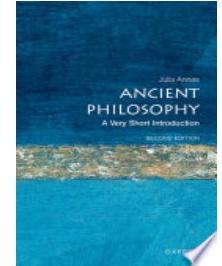
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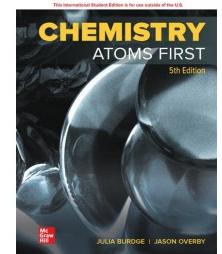
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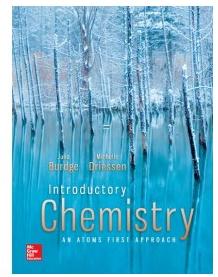


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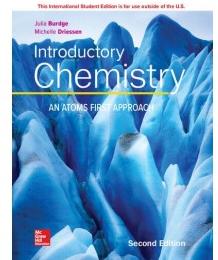
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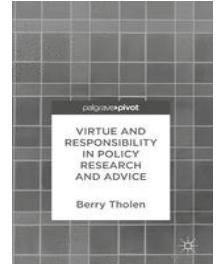
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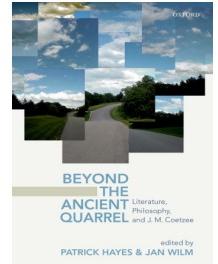
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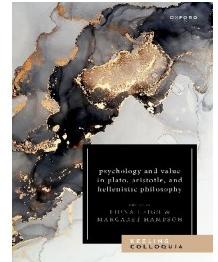
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# VIRTUE & LAW IN PLATO & BEYOND

JULIA ANNAS



# Virtue and Law in Plato and Beyond



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Julia Annas

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# Preface

The ideas in this book have been with me for some time. I started thinking about virtue in the *Laws* and law in the *Republic* in the mid-2000s, and noticed early on that there is an illuminating analogy in Philo to Plato's procedure in the *Laws*. My attempt to bring together ideas about Plato, Cicero, and Philo was interrupted by (successful) treatment for breast cancer, and the year's enforced 'vacation' made me think more deeply about the issues. I continued to work more on them as I realized that I needed to back up my views about virtue in the *Laws* with a more general view of the dialogue and its methodology. I have greatly benefitted from the translation and commentary of Schöpsdau, as well as the older text and commentary by England, and I am grateful to Malcolm Schofield for letting me see his introduction to the new Cambridge translation of the *Laws* before publication. I also delved deeper into the works by Cicero and Philo, and the philosophical and social backgrounds against which they were written. I remain aware that I am a novice in Philo studies, and hope that this has not been too much of a disadvantage. I have been excited by the recent vigorous growth of interest in the *Laws*, and am very grateful for the work of Malcolm Schofield, Christopher Gill, Susan Sauvé Meyer, Zena Hitz, Andre Laks, and Christopher Bobonich. As a result of the book's long gestation period, I have the pleasure of thanking a large number of people. Over ten years I am sure that I have forgotten the source of many helpful conversations, comments, and emails. I apologize for this, and would be grateful to be reminded by people not mentioned here. I owe special thanks to Malcolm Schofield, to my colleague Rachana Kamtekar, Christopher Gill, Charles Kahn, Brad Inwood, David O'Connor, Franco Trivigno, Jeremy Reid, Gretchen Reydams-Schils, and two readers for Oxford University Press.

The book covers ground discussed in three published articles: 'Law and Virtue in Plato', in C. Bobonich (ed.), *Essays on Plato's Laws*, Cambridge University Press, 2011, 71–91; 'Plato's *Laws* and Cicero's *De Legibus*', in *Plato, Aristotle and Pythagoras in the 1st Century BC*, edited by Malcolm Schofield, Cambridge University Press, 2012, 206–24;

and ‘Virtue and Law in the *Republic*’, in *Presocratics and Plato: Festschrift at Delphi for Charles Kahn*, edited by Richard Patterson, Vasilis Karasmanis, and Arnold Herrman, Parmenides Press, 2013, 165–82. Papers dealing with issues in parts of the book have been delivered to the following audiences, and I am grateful for their responses and criticisms: the Princeton Ancient Philosophy Colloquium; the Society for Biblical Literature; Conference on Philosophy in the 1st Century BC at Cambridge; Philosophy Department, University of Oslo; Philosophy Department, University of Uppsala; Centre for Advanced Study, Oslo; the Stanford Ancient and Modern Political Thought Group; Philosophy Department, University of Bergen; Seoul National University; the Korean Society for Greco-Roman Philosophy; the Corbett Lecture for 2011, University of Cambridge; the Benedict Lectures on Political Thought 2012, Boston University; the Danziger Lecture 2013, University of Chicago; the Hall Lecture 2013, University of Iowa; the O’Neill Lectures 2013, University of New Mexico, Albuquerque; University of Edinburgh Law School; and the West Coast Plato workshop on Plato’s *Laws*.

Again, I thank everyone who has helped me along the way, and apologize to those I have unintentionally omitted. Translations are mine unless otherwise indicated.

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# 1

## Introduction

In this book I aim to do two things. I explore a strand in Plato's *Laws*, a work which after much neglect is now the object of a growing and very interesting body of work. And I also aim to follow up two authors influenced by this Platonic strand, an under-studied way of thinking about virtue, law, and their relationship. The book is not a general study of the *Laws*, which would be a far larger undertaking.

It has always been noticed that Plato in many dialogues, and particularly the *Republic*, has a great deal to say about virtue. He has something to say about law, too, in the *Crito* and *Statesman*. In the *Laws* he explicitly turns to the topic of law and spends a great part of the work setting up a model law code for a projected city. It is in the *Laws* that we find the issue of the relation of virtue to law raised and given an extensive answer; this is something that the *Crito* and *Statesman* do not develop.<sup>1</sup>

There is clearly a noticeable contrast between the *Republic* and the *Laws*, one often put broadly as follows. In the *Republic* the aim of the ideal state is to make all the citizens happy, which they are to do by developing the virtues appropriate to their ways of life. The rulers or 'guardians' are qualified to rule the others by virtue of their long and demanding training; this will produce virtuous and expert rulers, who manage the society in the way that expert doctors manage medical treatment or expert steersmen manage boats. Their training in virtue brings understanding of what is best for all the citizens and the society as a whole, which they impose on the others to produce virtue and happiness for all. In Magnesia, the ideal projected city of the *Laws*, on the other

<sup>1</sup> The *Crito* is concerned with the question whether Socrates should obey the actual laws of Athens when unjustly condemned. The *Statesman*'s focus is on the ideal statesman and kinds of constitution. Neither is concerned with the issue of virtue and law which is extensively developed in the *Laws*.

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hand, the rulers are officials; they manage society in a more ordinary and familiar way, by enforcing the laws. In Magnesia the law code organizes every aspect of life, from (and before) birth to death, and this is imposed on all, rulers and ruled alike, to be strictly obeyed. Magnesians are to be made virtuous, and so happy, by obedience to law rather than to virtuous rulers.

There is clearly something right in this contrast, but without further examination it can be taken too hastily as the claim that Plato's focus has moved from virtue as what renders citizens happy to obedience to law as what does so.<sup>2</sup> We go, apparently, from 'the "guardian" unfettered by law; to the "guardian of the law" who is its "servant" and even its "slave"', a move which 'cleaves Plato's political theory into two distinct halves',<sup>3</sup> of which the first has been found far more philosophically interesting than the latter.

Sometimes Plato's stress on obedience to law in Magnesia has been attributed to increasing pessimism about human nature as he grew older.<sup>4</sup> The *Laws* was Plato's last work, and it was left unfinished when he died at the age of 81; he may of course have been working on it for some time along with other dialogues, but it certainly seems to belong to his later years. We have no basis, however, to infer that old age made Plato pessimistic, or, even if we had independent evidence that it did, that his writing expressed it. In fact I shall be arguing that the *Laws* presents us with a remarkably fresh and original approach to social and political

<sup>2</sup> Grote (1996) gives us the most extreme version of this; in his view Plato has in the *Laws* just given up on the ideas that animated the *Republic*. 'The concept of dogmatic omnipotence had become stronger in Plato's mind during the interval [between *Republic* and *Laws*] (vol 3 p 334); 'Philosophy is interdicted or put in chains as well as poetry. An orthodox religious creed is exalted into exclusive ascendancy. All crime or immorality is ascribed to a departure from this creed' (vol 3 p 306). Stalley (1983) is less extreme but still finds a loss in philosophical argument.

<sup>3</sup> Barker (1959) p 84. Barker holds that in the *Republic* 'where education has given a living knowledge, law has become unnecessary' (p 167). As we shall see, this is far from anything in the text. Barker's view of the importance of the *Laws* is shown by his devoting twenty-five pages to it out of 207 devoted to Plato.

<sup>4</sup> Cf. Cohen (1995) p 43: 'In his *Republic* Plato rejects the notion of the rule of law in favor of the rule of the wisest and best, the philosopher ruler. In his last dialogue, the *Laws*, he explicitly abandons this principle, conceding that it cannot be implemented because only a god would possess the necessary qualities.' In Chapter 3 I will discuss the passages that have led to the claim that Plato 'explicitly' does this.

issues, and that to treat it as the product of a crabby and depressive old age is to miss most of what is interesting about it.

As I show in Chapter 2, there is a great deal about law in the *Republic*, far more than we tend to assume. It is not the case that the rulers of the ideal city, Kallipolis, rule without laws, or with a loose relation to laws. Law is very prominent in Kallipolis, so it is interesting that law is not usually prominent in the way we think about it. In the chapter I discuss the relation in Kallipolis of law and virtue, especially the development of the rulers' virtuous lives. Law is by no means a new theme in the *Laws*, and we shall see that when it comes to the relation of virtue and law the two dialogues are drawing on fairly similar material. There is certainly a marked contrast between *Republic* and *Laws*, but the contrast does not lie in the *Republic*'s defending the rule of virtue while the *Laws* defends the rule of law. The difference lies rather in the relationship in the two dialogues between virtue and law. In the chapters on law in the *Republic* and the *Laws* (Chapters 2–4) I explore what this is, and fill out the ways in which the later dialogue is making a subtler and more interesting claim about the role of law than it is often taken to contain.

In Chapter 3 I lay out Plato's new approach to considering a projected ideal society. It has often been noticed that the *Laws'* approach is much closer to experience and history than that of the *Republic*, in which great efforts are made to turn the seeker for virtue away from taking seriously what experience tells us about the world, and to get her to rely instead on her powers of thinking and the world of thought thus revealed. It is striking that in the third book of the *Laws* we find that in seeking the best society we find it useful to look at actual societies and the way that they have developed. But Plato's turn to learning from experience goes deeper than this. In Chapter 3 I will show that Plato's ideal society is no longer conceived purely theoretically. Rather, he is trying to produce a combination of two kinds of existing society which are normally taken to be opposites: those of a type represented by Sparta and those of a type represented by Athens. The laws of Magnesia are firmly rooted in a communal culture of the Spartan kind, with a compulsory common education designed to produce citizens who think in terms primarily of the common good rather than the good of themselves and their own families. But much of the law code introduces institutions of an Athenian type, designed to produce citizens who are active participants in the governing of their society. As we shall see, Plato's idea of participation in

government is not just that of his contemporary Athens; nor is his idea of communal culture just that of his contemporary Sparta. He is trying rather to produce something new by taking over what he sees as the best in each type of government, while blending it with what is normally seen as its opposite, the product being what he hopes is an idealized unified combination with the good points of each and the bad points of neither.

This is a grandly ambitious claim, as grand as any other in Plato, not a feeble retreat from theorizing. How successful it is, is a question that can't be posed until we have a properly full understanding of it. Most relevant to my purpose is the point that Plato's new approach requires him to deal with an issue which he did not feel the need to face in the *Republic*, namely, what is the place of obedience to law in the development of virtue. In the *Republic* this question goes unasked, and therefore unanswered; in the *Laws* it is faced and answered by a new approach to the citizen's attitude to law. In the *Laws*, I argue in Chapter 4, Plato now insists that education for virtue on the part of the citizens requires them to learn explicitly, and internalize, obedience to the city's laws. Care is needed in establishing precisely what this involves, since obviously any society requires its citizens to see themselves as law-abiding, and to have some degree of awareness of this. What distinguishes the approach of the *Laws* is, to put it broadly, the specific and explicit role of conscious commitment to strict and unquestioning obedience to the laws, accompanied by commitment to understanding them in the process of acquiring the virtues. This is something absent both from the *Republic* and from Aristotle's ideal state in the *Politics*, though both of them require the development of citizen virtue to include awareness that the city's laws are to be obeyed. What is sometimes called, in modern terms, the virtue of law-abidance is built into the citizens' education in the *Laws* in a way not to be found in the more famous works that come before and after it. It is this distinctive position of the *Laws* which I focus on, one I think is interesting in itself, as well as for its position in ancient political thinking, one without the resonance or later fame of *Republic* or *Politics*, but finding a place within two later traditions utterly different from the world of the classical Greek polis.

Plato also breaks new ground in giving a metaphysical background to the laws of Magnesia, as the ideal city of the *Laws* is to be called. This is the concern of Chapter 5. Law is not, he thinks, to be understood merely as the product of people in cities devising solutions to the problems of

living together. Such laws have no more authority than the political compromises which produced them. Plato's ambitious alternative is that law in our society is a part of the working of reason in the cosmos, and in Book 10 of the *Laws* he develops a cosmology which fills out this idea. Law is the objective force of reason in the cosmos, which we can appreciate both at the cosmic level in the regularities of the heavenly bodies' movements, and also in ourselves as members of communities. Law is what produces order and regularity, and in identifying with our reason, the aspect of us that appreciates the cosmic force of law, we are doing our part to keep ourselves, and hence from our perspective the cosmos, orderly. Since cosmic reason turns out to be what the nature of god is, when we understand god, law is also divine, and indeed in one passage Plato comes near to calling Magnesia a theocracy. Given the importance to Magnesia's citizens of having the right attitude to the laws, this cosmic story has wide implications for the role in citizens' life of religion, not just in the sense of partaking in community rituals but of having the right beliefs about God, and this in turn has impact on the kind of civic virtues that are to be developed. This is the point at which Plato departs furthest from the mainstream of ancient political thinking about religion, but was found more resonant in the ancient Jewish and Christian traditions. In Chapter 6 I follow up one implication of the relation of virtue to law, namely that in Magnesia the dominance of virtue results in a reordering of values and priorities in people's lives, and thus a more different way of life than might have been suspected at first.

In Chapter 7 I start with different responses to the *Laws*. The ideal city in Books 7 and 8 of Aristotle's *Politics* has many affinities with the *Laws* and it seems clear that there was influence between the *Laws* and these two books. But the work turns out to have more in common with the *Republic* than with the *Laws* as concerns the issue foregrounded here, that of the relationship of law and virtue. There is, however, a real affinity between ideas at the end of the *Laws* and the Stoic idea of *natural law*; the Stoic idea can be seen as a comprehensible development of ideas about law and cosmic reason in the *Laws* (and also the *Timaeus*). There are some important changes. The most important, and the most striking, is that for the Stoics natural law, to be identified with the force of cosmic reason, is universal, applying to everyone in the cosmos, an idea that goes far beyond Plato's more limited claim that reason in the cosmos underwrites the laws of a model Greek polis. The Stoics also identify law in this

sense with the reason of the ideal virtuous person or ‘sage’. This latter raises the question of the relative importance to law in this sense of *normativity* on the one hand—its being reason which, although it functions frictionlessly in the virtuous person, presents itself to us in the form of a command—with *lawlike form* on the other, actual laws being typically presented in general terms.

Cicero in his *On the Laws (De Legibus)* puts forward an account of an ideal law code with markedly Platonic features, and his explicit literary references to Plato’s *Laws* are not merely decorative. Cicero, who knows the *Laws* well, is taking over Platonic ideas as developed and nuanced by the Stoics, and follows them in two ways. One is the Stoic direction of taking the law we find in nature to apply to all humans. The important distinction is not between types of people but between the wise and virtuous, whose thinking is aligned with natural law, and the rest of us, whose thinking is not; being unresponsive to it we experience it as *demanding* obedience from us. The other new feature in Cicero is that he takes universal natural law to be embodied, mostly, in existing Roman law, modified at parts. This last point has raised objection and even ridicule, and apart from that it certainly seems to clash with the claim about universality. Cicero’s position, however, turns out to be defensible and interesting, once we take account of reasonable interpretations of natural law, and in particular of how Cicero is developing what he sees as a Platonic version of it. Looking at Cicero’s work in the light of its Platonic forebear brings into focus some points which enable us not only to see it more sympathetically but to appreciate Cicero’s interesting choice of tradition in political thinking.

In Chapter 8 I will look briefly at the works of Philo of Alexandria on the Ten Commandments and the Special Laws. Philo occupies a different position in regard to Plato from Cicero; he sees him not as a philosophical forebear but as a pagan, in a different tradition, whose writings can nevertheless be put to useful work in Philo’s overall task of commenting on the Torah. Still, he clearly knows Plato’s *Laws* well, and in important ways shows the influence of Plato’s ideas in that work about virtue and law. Like Cicero, Philo both claims universality for the law which he sees as based in nature, and identifies it with a particular law code, in his case Mosaic law. Again, this is not a weakness of his position but a strength, once we appreciate the roles in Philo of virtue in relation to law. Unlike Cicero’s, Philo’s development of Platonic

ideas about virtue and law leads to a considerable redefinition of the virtues to be developed in a good society, a project in which he follows Plato more than he does Cicero.

Chapter 9 sums up the main strands of the discussion. Plato's distinctive position about virtue and law in the *Laws* does not give rise to a historically continuous tradition. Cicero is familiar with Plato, and so is Philo, but there is no reason to think that Philo knew of, or was interested in, Cicero's unfinished work. Rather, what is of interest is the way in which ideas in Plato's *Laws* could find resonance in two very different later contexts.

This approach in ancient political thinking is nowadays not very familiar to us, because of the more mainstream traditions of both influence and more recently scholarship on the *Republic* and *Politics*. Nor is it likely ever to challenge the attention which those theories get. It is, though, worthy of interest and study in its own right. One reason for this is that it illuminates something often assumed to be absent from ancient political thinking—namely the relation of political organization to religion. Religion is often taken to have only indirect relevance to ancient political thought. Ancient religion occupied a very different place in society and culture from the place it has today, mostly because contemporary forms of religion place far more weight both on creeds and belief, and on religion as unifying communities of believers, while ancient religion is better understood in terms of practices and rituals, unifying communities of culture. (Although a brief statement of this contrast inevitably oversimplifies it, it is basically correct.) However, Plato in the *Laws* takes up a position about religion which is unusual for his time and place, one which failed to resonate with Aristotle and mainstream ancient political thought, but interested both Cicero and Philo, in ways reflecting the differences in their culture and in their own attitudes to religion. Philo had great influence on some early Christian thinkers, notably Clement of Alexandria, but I will not here follow Platonic influence further into this tradition.<sup>5</sup>

There are two issues which I will leave aside in this work. One is the fascinating recent development of work on law and virtue in philosophical and legal studies. I have read some of this literature and found much

<sup>5</sup> See Runia (1993) and (1995).

of interest in it,<sup>6</sup> but I have consciously refrained from trying to apply it to the ancient texts. Rather, I think that the ancient texts have to be interpreted in their own contexts in order to bring into focus what is of most interest in them to us, and it is only then that we can reasonably take them as partners in contemporary debate.

The other issue is that of the so-called ‘development of Plato’s thought’. I don’t engage in any debates about the development, or not, of Plato’s overall thinking between *Republic* and *Laws*. I take it as obvious that *Laws* is the later dialogue, but I also take it that we are likely to gain obscurity rather than clarity from trying to find an arc of development of Plato’s overall political thinking that starts with the one work and ends with the other. My own position is that Plato consistently, throughout his intellectual life, held to a very general thesis about political and social life, namely that the only good society, one worth living in, is one which has the unified overall aim of making its citizens happy, and that this can be achieved only by having them educated and formed to develop the virtues and so to live happily. How you think this is best to be achieved can obviously take many forms, and presupposes very different levels of generality on which the achievement of the good society can be envisaged. *Republic* and *Laws* are two ways in which Plato worked out his vision of how the good society can be achieved. Neither is a blueprint for overexcited idealists to go out into the countryside to try to put into practice. Nor is their relationship well described by saying that *Republic* believes in the possibility of philosopher-rulers whereas *Laws* is pessimistic about this. Nor are these the only two ways in which Plato thought about the achievement of the good society; apart from the *Statesman* there is also the Atlantis story in the *Timaeus* and *Critias*, a Utopian narrative with a philosophical purpose.<sup>7</sup> In general, seeing Plato’s works as stations on a line of overall development of his thought is unhelpful. I hope that this study of the *Laws* will contribute to the growing body of work studying it in its own right.

<sup>6</sup> See Solum (2013) for an excellent account of the main issues in contemporary law and virtue.

<sup>7</sup> See my (2010b) for the relevance of the Atlantis story to the *Republic*’s main argument.

# 2

## Law in the *Republic*

### Law in the *Republic*?

In the *Republic* Socrates sketches an ideally virtuous society in order to illustrate in ‘larger letters’ what virtue is in individual people. We need to do this in order to find the answer to the crucial question of how we should live—how we should live, that is, if we are to live happy lives. Plato takes it for granted, as the ancient tradition does, that we all want to live happy lives. This is, as would be understood by his audience, *eudaimonia*: happy lives in the sense of lives lived well, satisfying, flourishing lives. It would not occur to anybody that the happiness he talks about here could be a state of feeling pleasure. The *Republic*’s main argument is that my life will be lived happily only if I live my life in a way in which my overall aim is living virtuously, an aim which structures my life in ways that organize and prioritize my other goals and values. The city which models this on a larger scale is, correspondingly, one which is virtuous, and so happy.<sup>1</sup> The crucial virtue in both cases is *dikaiosunē* (*justice*), which is said to be the same in both cases, namely a certain relation between the parts of a unified whole. Thus city and soul illustrate the very same thing, namely justice, explored in the overall framework of search for an answer to the question, what is a good or a bad life for us to live.

Given this overall framework, it’s understandable that study of the ideally virtuous city of the *Republic* (which I shall henceforth refer to as Kallipolis) tends to focus on what it shares with the ideally virtuous individual—its components and their relationships—while issues like that of the role of law in Kallipolis have gone unseen or only partially

<sup>1</sup> I take it that the city is happy when and only when its citizens are; I don’t here enter into controversies on this point.

seen.<sup>2</sup> The individual has three components: reason, spirit, and the desires. Only when reason is able to do its proper task, that of ruling the whole, can the other parts perform their own proper tasks; when this comes about, all the components are in the right relation to one another and so justice results as the virtue of the person as a whole, the virtue enabling him or her to live virtuously, and so happily. Since justice is the same in city and individual, it may seem obvious that justice will result in the city when we find the same relationships among its components as we find among those of the individual.

And this has understandably been the main focus of study of justice in the city. In Kallipolis people's lives are so organized that they function within their appropriate type, of which there are three. The producers, mostly farmers, provide the infrastructure of the city's life, and are taken to be focussed on the satisfaction of their own desires, and on the means to this, mainly money. The auxiliaries are focussed on honour and status, and form the military part of the city. The rulers or guardians are focussed on pursuing and understanding truth, and they are the only ones in the city who can understand what is best for the city as a whole, rather than merely for themselves. Hence, although their greatest wish is to spend their time in intellectual pursuits, they have to rule the city in turn, since they are the only ones in the city with the right temperament and training to translate their intellectual understanding into practice which is in the interests of all, and so productive of virtuous, and so happy, lives for all the citizens.

The rulers rule and the other citizens obey; there is an extreme asymmetry of power. Plato is completely unworried by this. The guardians are not accountable for what they do or for the orders that they give to the others, even though they may lie and mislead in ways forbidden to the others. Kallipolis is not a transparent society, nor one where ordinary citizens participate in the ways that their lives are organized. Rule of this absolute kind is appropriate, according to Plato, only where the rulers actually do have the kind of understanding that a ruler needs to rule well, and it would be as absurd for such a ruler to be accountable to the ignorant as for an expert in a practical skill to defer to a layman. The

<sup>2</sup> Recent exceptions to this general attitude are Schofield (2006b) and Lane (2010). Morrow (1993), in his magisterial work on the *Laws*, notices that the *Republic* does contain the rule of law (pp. 577–83), but this point has not been prominently taken up.

rulers of Kallipolis will have this understanding, in Plato's sketch of the society, and a fairly large part of the work is devoted to a sketch of the long stages of formation and education that they will go through in order to be able to achieve such understanding.

It is thus the rulers' formation and education, their *paideia*, which is crucial for both setting up and maintaining an ideally virtuous city. This is stressed so unrelentingly that it is not surprising that accounts of Kallipolis do not emphasize laws, sometimes indeed not even mentioning them. Law is, however, pervasive in the *Republic*, and taking account of this often underappreciated fact helps us to see more clearly what the work's relation is to the *Laws*.<sup>3</sup>

## The Normality of Law

In the ancient world readers (more likely hearers) of the *Republic* would assume that of course Kallipolis has laws; any city has to have laws. This is an implicit background assumption throughout the work, unmarked as assumptions tend to be when the audience finds them obvious. (Hence the later apocryphal story where Diogenes the Cynic complains to Plato that there was no need to write the *Laws*, since he had already written the *Republic* about a city with laws.<sup>4</sup>) Thrasymachus assumes that cities pass laws in the interest of the rulers.<sup>5</sup> Glaucon describes the origins of justice as a compromise that results in laws.<sup>6</sup> The laws are, along with the poets, a source of information about the gods.<sup>7</sup> In actual cities, young people who prematurely acquire the ability to argue come to despise the laws and to be filled with lawless behaviour (*paronomia*).<sup>8</sup> Treating the laws unseriously leads to passing laws that are ignored, and to the destabilizing of beliefs about value.<sup>9</sup>

Moreover, a tight connection between law and individual character appears to have been readily assumed. Protagoras, in the dialogue named after him, follows an account of the education of the young by

<sup>3</sup> Here I am modifying the account in my (1981) 105–6. For a more detailed account see my (2012).

<sup>4</sup> Stobaeus III 13.45. Lane (2013) underlines how unusual it is when Plutarch represents Lycurgus (in his *Life*) as getting Sparta to function with laws learnt by heart but not written down.

<sup>5</sup> *Republic* 338d6–339a4.

<sup>6</sup> *Republic* 358e2–359b5.

<sup>7</sup> *Republic* 365d9–e2.

<sup>8</sup> *Republic* 537e4.

<sup>9</sup> *Republic* 426e3–7, 538d6–e4.

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OPERATIONS FOR INFANTRY \*\*\*

# **NIGHT OPERATIONS FOR INFANTRY.**

## **Night Operations For Infantry**

COMPILED FOR THE USE  
OF COMPANY OFFICERS

BY

Brig.-General C. T. DAWKINS,  
C.B., C.M.G.

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# **NIGHT OPERATIONS FOR INFANTRY.**

# **CHAPTER I.**

## **THE IMPORTANCE OF CAREFUL TRAINING IN NIGHT OPERATIONS.**

Although in recent years there has been a marked increase in the practice of night operations, yet I doubt if the majority of officers have realized that the changing conditions of war tend to make night fighting a much more common occurrence in the future than it has been in the past. A brief study of the accounts of the Russo-Japanese War shows that, as time went on, both combatants evinced a growing tendency to resort to night attacks, and to employ in their execution forces of considerable strength; it is, therefore, reasonable to assume that in future wars similar circumstances will compel the adoption of similar methods. Moreover, if we consider the results which are likely to follow from the facilities for the acquisition and the rapid transmission of information offered by airships and wireless telegraphy respectively, and from the increased efficiency of fire-arms, we are compelled to realize that in all future wars operations carried out under cover of darkness, not only for the purpose of massing troops in a favourable position for further action, but also for the actual assault of particular localities, will become a matter of constant occurrence. Indeed, as a French officer, from whose book<sup>A</sup> I have gathered many hints on night training, points out, night fighting can no longer be regarded as something abnormal and exceptional, but as the power of fire-arms increases, so will combats in the dark become more frequent and necessary.

**A** "Guide pour le Chef d'une petite unité d'infanterie opérant la nuit, par Le Commandant Breveté Niessel."

For this reason it seems to me to be most important that we should establish a systematic method of training our men. It is an axiom that in order to master any subject properly the student must first be instructed in its elementary details, and it is in this respect that at present our system fails. During the annual course of training a few night operations are carried out by companies, by battalions, and by brigades, but during the rest of the year little attention is paid to night work, and, in many units, at any rate, no attempt is made during the winter to give the soldier that elementary instruction which is indispensable to fit him to take an intelligent part in operations in the dark.

It must be remembered that many of our men up to the time of their enlistment have passed their lives entirely in large towns, and have rarely been beyond the range of street lamps. Such men, when first taken out in the dark, are helpless; they start at every shadow, stumble even on level ground, make a terrible amount of noise, and are generally in such a state of nervous excitement that they are hardly responsible for their actions. Yet these same men, by a short course of careful, individual instruction, can be trained to work together with confidence on the darkest night, and when once they have gained confidence their further instruction is comparatively easy.

If in daylight the moral is to the physical, as three is to one, there can be no question that at night the proportion is many times greater. Indeed, I doubt if the true ratio can be estimated at all. History furnishes many instances of night fighting, in which the success achieved has been out of all proportion to the number of the victors, but it also teaches us that, in most cases, at any rate, the defeat of the beaten side was due to disorganization through panic.

Now it is unquestionable that the best troops, if suddenly called on to face conditions to which they are not accustomed, are liable to panic, and it is to make sure that night fighting shall not be a strange occurrence in our Army that I advocate closer attention to training in it.

I am aware that some officers maintain that it is a mistake to risk the chances of a night attack, because, even if the attack is successful, the want of light will prevent it being followed up. This may be a sound argument against making a night attack, but it is obviously no argument against training men for night fighting. Whether we attack by night ourselves or not, it is quite certain that our enemies will sometimes attack us, and, unless we are prepared to be taken at an enormous disadvantage, we must train our men to meet them in the dark. Besides, even the opponents of night-fighting do not dispute the value of an attack delivered with the first appearance of daylight, and an attack at dawn necessitates an advance during what are often the darkest hours of the night, with the possibility of its interruption by a counter-attack at any moment. To carry out such an operation with any prospect of success, even in the most open country, it is essential that both officers and men should have the highest possible training.

In our Army, with men enlisted for a term of seven years with the Colours, we have far greater opportunities of accustoming our troops to night-fighting than most nations have, and, if we choose to do so, we can bring our training to a high state of efficiency. It seems to me to be folly to ignore our situation, and not to take every pains to train our men to carry out operations by night, since, in view of our comparatively weak numbers, efficiency in night-fighting may be of the utmost value to us in any future war.

It is with the object of inducing officers to pay closer attention to this branch of their men's training, that I put forward a few hints on a progressive method of instruction, which I have personally proved to produce useful results. In order that it may be made clear that training for night operations is a normal and necessary part of the

soldier's education, a training which is to be carried on continuously throughout his whole service, and not confined to the short periods of company and battalion training, I advocate the commencement of the elementary instruction while the recruit is still at the dépôt.

---

# **CHAPTER II.**

## **ELEMENTARY INSTRUCTION.**

The first thing to be done is to accustom the soldier to darkness, to teach him to overcome the nervousness which is natural to him, and to train his powers of vision and hearing to suit conditions which are strange to him.

### ***Training of Vision.***

Two or three men, under an instructor, should be taken out to ground with which they are perfectly familiar. The instructor will direct them to notice the different appearance which objects present at night, when viewed in different degrees of light and shade; the comparative visibility of men under different conditions of dress, i.e., in khaki, in a tunic, in shirt-sleeves, etc., when viewed against different backgrounds; the ease with which bright objects are seen, especially if in movement. If there is rising ground in the vicinity the difference in the visibility of men standing on the sky-line or on the sides of the slope should be noted. Experiments in the distance at which a match struck in the open and also under cover of some object, or a man smoking, can be seen should also be made. Blank cartridges should be fired, and recruits taught to judge the direction in which the rifle was pointing and its approximate distance from them.

## ***Training of Hearing.***

To train their powers of hearing, men, placed a few yards apart, should be made to guess what a noise heard is caused by, and the approximate position of it. The rattle of a mess tin, the working of the bolt of a rifle, the movement of a patrol, the throwing down of accoutrements, low talking, or any noise likely to be heard on outposts may be utilised. Special pains must be taken to impress upon the men the penetrating power of the human voice. The distance at which men talking, even in a low voice, can be heard on a still night is astonishing, and as it is a sound which cannot be mistaken for anything else, and which disturbs birds and animals more than any other, it is most important that the recruit should be shown the absolute necessity of keeping perfect silence.

At this stage it is a good practice to post the men in pairs at intervals along an alignment which the instructors endeavour to cross unnoticed. The instructors should cross from both sides, so as to compel the recruits to watch in every direction.

## ***Finding Bearings.***

When the recruit has become accustomed to the dark, and entirely overcome his nervousness, he should be taught to find his bearings by the pole star, to check the direction of his advance by means of stars, landmarks, or even the wind, and conversely by the same means to find his way back to the point from which he started. He should also be taught to recognise the phases of the moon, and to judge whether it is rising or setting.

To test a man's ability to keep a given direction when moving at night, the following plan is useful. Having chosen a spot from which no prominent landmarks are visible, the instructor, accompanied by the recruit, will advance towards it from a distance of not less than

200 paces. While advancing the recruit must take his bearings. On arriving at the spot chosen the instructor will turn the recruit rapidly round two or three times, and then order him to continue his advance on the same line as before.

### ***Moving in the Dark.***

For this exercise three or four recruits, with the instructor on the directing flank, will be placed in line at about one pace interval. Some clearly visible mark, such as a lamp, should be placed as a point for the directing file to march on. The instructor will impress upon the men the importance of lifting the feet up high and putting them down firmly and quietly, also of keeping in touch with their neighbour on the directing flank, and of conforming to his movements without sound or signal. The pace must be very slow, and frequent halts made to test the quickness of the men in working together. As the instruction progresses, each man in turn will take the instructor's place on the directing flank, and the light on which they are marching should be obscured at intervals, in order to test their ability to maintain the original direction.

When the recruits have thoroughly mastered the foregoing principles they should be taken to more difficult ground, and gradually advanced to work together in larger numbers. They must be taught to turn into single file for the purpose of passing obstacles, and to form up rapidly in single rank again without noise or confusion. It must always be remembered that the rougher the ground, the darker the night and the longer the line, the slower must be the pace and the more frequent the halts. After passing any obstacle, such as a ditch, hollow road, etc., which does not necessitate turning into file, it is always advisable to halt and make sure that the alignment is correct. After passing an obstacle men instinctively line up parallel to it; consequently, if the obstacle does not lie exactly at right angles to the line of advance, the direction is

lost. I remember seeing a brigade thrown into complete disorder by the neglect of this precaution, after successfully advancing for about 1,000 yards on a very dark night. In this case one flank of the line crossed a hollow road, lying at an angle to the direction of the advance, and forming up parallel to it advanced across the front of the rest, and altogether broke up their formation.

## **General.**

During the earlier exercises the men may be taken out without arms, but, as the instruction progresses, they must be trained to work in full marching order. Each man must be taught to note carefully those portions of his equipment which are likely to cause a noise under special circumstances, such as lying down, rising up, crossing an obstacle, etc., and to take precautions accordingly. Bayonets should always be fixed, but to avoid accidents the scabbards should be on them. Special attention must be paid to seeing that the rifles are carried at the proper angle to prevent the bayonets clashing.

From the commencement of the training the instructor will not fail to continually impress upon the men that it is absolutely criminal to fire during a night attack, and that the bayonet is the only weapon the assailants can use with advantage to themselves and safety to their comrades.

Except during a brief period in the middle of summer, it is generally possible to carry out these elementary exercises before 10 p.m., and in the short winter evenings they can take place immediately after the men's tea. It is always advisable that the men should have had a meal shortly before starting to work in the dark, and if the weather is cold, or they are kept out late, they should be given soup or cocoa on their return.



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